



ATTACHMENT A

Remarks

In the Office Action Summary, under the heading *Priority under 35 U.S.C. § 119*, it was indicated that a claim for priority was made but that no certified copy of the priority document was received. However, as shown by the attached Form PCT/IB/304, the priority document was timely submitted to the International Bureau (IB) in the PCT international stage of this application. Therefore, either the priority document has been forwarded by the IB to the US Receiving Office so that receipt should have been acknowledged under this *Priority* section by checking of box "3."; or the US Receiving Office should now be contacted by the examiner and directed to obtain the filed priority document from the IB (it is available on-line) and place the priority document in the file of this application, or to determine why it was not already provided and have it provided as it should have been provided from the IB. An indication that one of these actions has been taken is requested in the next action.

In the detailed portion of the Office Action, under the *Claim Rejections - 35 USC § 102* section, independent claim 23 was rejected under 35 USC § 102 as being anticipated by Baur. However, for the following reasons, it is submitted that this claim is allowable over this reference.

Baur relates solely to alloy materials, whereas independent claim 23 refers to a composite material. As appreciated by those of ordinary skill in the art, alloys are crystalline structures in which the constituents are inter-diffused at the atomic scale, i.e. they interact with one another via primary bonds (e.g. ionic, covalent or metallic). In contradistinction, composite materials are non-crystalline, where the bonds between constituents in a composite material are not primary bonds.

Baur does not disclose a composite material. Moreover, since the self-compensation disclosed in Baur depends on the presence of the primary inter-atomic bonds which occur in the alloy, this document does not disclose or suggest how compensation may be achieved using a composite material. Accordingly, independent claim 23 is neither disclosed nor made obvious by Baur so that claim 23 is thus allowable.

In the Action, it was indicated that the remaining claims, claims 1-22, were allowable. This indication of allowable subject matter is appreciated.

As all claims in the application are allowable as noted above, it is submitted that the present application is in condition for allowance and such action is solicited.

PATENT COOPERATION TREATY

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From the INTERNATIONAL BUREAU

NOTIFICATION CONCERNING
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OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

To:

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Mewburn Ellis
York House
23 Kingsway
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11 SEP 2003

Date of mailing (day/month/year) 03 September 2003 (03.09.03)	RECORDS ENT'D RECORDS SEEN	
Applicant's or agent's file reference DRHFP6155139	DIARY ENT'D RENEWAL ENT'D X	IMPORTANT NOTIFICATION
International application No. PCT/GB03/03000	ALREADY ENT'D	
International publication date (day/month/year) Not yet published	International filing date (day/month/year) 10 July 2003 (10.07.03)	Priority date (day/month/year) 12 July 2002 (12.07.02)
Applicant LEVINGSTON, Gideon		

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
12 July 2002 (12.07.02)	02/08802	FR	29 Augu 2003 (29.08.03)

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